

REMARKS

I. THE ANTICIPATION REJECTIONS

In paragraph 2 of the Office action, the Examiner has rejected claims 1-12 under 35 U.S.C. § 102(b) as anticipated by Sargent et al. (U.S. Patent No. 5,234,466). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

The '466 patent is not available as a reference against the present claims because the present application properly claims benefit of the filing date of the '466 patent under 35 U.S.C. § 120. Clearly, if the '466 patent discloses the claimed invention sufficiently to anticipate it (as the Examiner has apparently alleged), it discloses the claimed invention sufficiently to provide adequate support under 35 U.S.C. § 112, first paragraph. Since Applicants are thus entitled to the benefit of the '466 patent filing date, it cannot be a reference against the claims, and the Examiner's rejection should be withdrawn.

In paragraph 3 of the Office action, the Examiner has rejected claims 20-35 under 35 U.S.C. § 102(b) as anticipated by Sargent et al. (U.S. Patent No. 5,672,279). Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

Again, the patent used by the Examiner to reject the claims is not available as prior art, because Applicants have claimed benefit of the '279 patent filing date under 35 U.S.C. § 120. Accordingly, the anticipation rejection over the '279 patent should be withdrawn for essentially the same reasons as described above with respect to the '466 patent.

II. THE OBVIOUSNESS REJECTION

In paragraph 5 of the Office action, the Examiner has rejected claims 13-19 under 35 U.S.C. § 103(a) as obvious over Ackel (U.S. Patent No. 4,724,045) or Nakajima et al. (U.S. Patent No. 3,960,648) in view of Sargent et al. '466. Applicants respectfully traverse this rejection and request reconsideration and withdrawal thereof.

First, Applicants respectfully submit that the '466 patent is not properly available to the Examiner as a reference because Applicants claim benefit of its filing date under 35 U.S.C. § 120. Since the '466 patent is not available as a reference against the claims, and since the '466 patent is critical to the rationale of the Examiner's rejection, the rejection should be withdrawn for this reason alone.

Second, claims 13-19 involve the use of urea sulfate as a replacement for the alum traditionally used as a flocculant in paper processing, while the cited primary references each relate to the use of various polymers used in place of or in conjunction with alum to flocculate or decolorize paper processing streams. *See, e.g.*, Nakajima et al. at column 2, lines 11-23 (describing the combination of cationic modified polyacrylamide-type flocculating agent with aluminum sulfate to obtain an unexpected "unique" effect on clarification). Ackel does not describe any aluminum sulfate as a coagulant: the only coagulants described are polyacrylamides at column 2, line 64 to column 3, line 13. Therefore, one of ordinary skill in the art looking for an alum flocculant replacement would


not have been motivated to look to the '466 patent, since suitable alum flocculant replacements are already disclosed by the primary references.

Applicants respectfully submit that the claims are novel, nonobvious, and in condition for immediate allowance for the reasons set forth above. An early notification to that effect is earnestly solicited.

If the Examiner has any questions, or if further issues remain to be resolved, the Examiner is respectfully requested to contact the undersigned to resolve said issues prior to the issuance of a final Office action.

Please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,


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